

AMENDMENT UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/943,352

REMARKS

Claims 5-8, 13-40 are all the claims pending in the application.

Applicant submits this amendment in response to the Advisory Action of February 9, 2004. By this amendment, claims 1-4 and 9-12 are canceled without prejudice or disclaimer. New claims 29-40 are added. Claim 23 is objected to under 37 C.F.R. § 1.75(c) as being of improper form. Claim 23 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 21, 23, and 24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant submits amended claims 21, 23, and 24 to obviate the Examiner's objection under § 1.75(c) and rejections under § 112, first and second paragraphs.

Claims 1, 3/1, 4/1, 9, 11/9, and 12/9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hosoi et al. (Jpn. Unexam. Patent Publ'n. No. 1 (1989)-10540) ("Hosoi") in view of Yip et al. (U.S. Patent No. 5,039,854A) ("Yip") and Kulpinski et al. (U.S. Patent No. 4,778,995A) ("Kulpinski") and Conrad et al. (U.S. Patent No. 4,778,994A) ("Conrad"). Claims 2, 3/2, 4/2, 10, 11/10, and 12/10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hosoi in view of Yip and Kulpinski. Claims 5-8, 13-20, 22, and 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 21 and 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

Applicant submits amended claims 21, 23, and 24 to obviate the § 112 rejections.

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To place the application in condition for allowance, Applicant has canceled claims 1-4 and 9-12. Applicant has rewritten dependent claims into independent form. Claims which previously depended from claim 2 and 10 have been added as new claims.

With respect to the Examiner's comments regarding the identity of claims 29-32 with claims 13-16, Applicant submits claims 29-32 with the correct changes. Correctly submitted, claims 29-31 are claims 5/2, 6/2, and 7/2 written in independent form including all the subject matter of claim 2. Claim 32 is identical to claim 8, whereas claim 8 depends from claim 7/1, claim 32 depends from claim 7/2 submitted as claim 31. Thus, claims 29-32, which are method claims, are not identical to claims 13-16, which are apparatus claims.

Claims 37-40 are correctly submitted in this amendment. Claims 37, 38, 39, and 40, are, respectively, claim 18 as dependent from claim 3/2, claim 19 as dependent from claim 4/2, claim 22 as dependent from claim 3/2, and claim 23 as dependent from claim 4/2, in independent form.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Susan Perng Pan
Registration No. 41,239

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